

**SPECIAL TOWN MEETING
OCTOBER 22, 2002**

Voters of the Town of Boxford met at the Masconomet High School on Tuesday, October 22, 2002. Moderator Gerald R. Johnston called the Special Town Meeting to order at 7:38 p.m. The Articles of the Warrant were disposed of accordingly.

Jerry briefly interrupted the Special Town Meeting to make a special announcement for Town Clerk, Patricia Shields and her husband, Sam. The glad tidings were the birth of their third grandchild "Sophie Katherine Shields" born at 6:04 p.m. (Texas time), weighing in at 8 lbs 7 ounces and 21-1/2 inches long.

ARTICLE A1. To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of money to supplement the current Police salary budget voted under Article #6 of the May 14, 2002 Annual Town Meeting, in order to fund a portion of the FY 2002 and FY 2003 portions of the "*Collective Bargaining Agreement between the Town of Boxford and the Boxford Police Reserve Association*"; or take any other action thereon.

Estimate: **\$6,000**

Sponsored by the Board of Selectmen

Finance Committee to make recommendation at Town Meeting

*Upon a motion made and duly seconded, it was **VOTED**, by unanimous voice vote to pass over this article.*

ARTICLE A2. . To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of **\$11,854** to fund the salary of Library Assistant I (15 hours per week at \$10.23 per hour total \$6,751.80) and Circulation Desk Attendant (15 hours per week at \$7.73 per hour \$5,101.80). Funds are necessary to staff the Boxford Town Libraries; said funds to be expended under the direction of the Board of Library Trustees; or take any other action thereon.

Sponsored by the Boxford Library Trustees

Finance Committee does not recommend adoption of this article

Selectmen do not recommend adoption of this article

*Upon a motion made and duly seconded, it was **VOTED**, by a hand count of 107 in favor, 93 opposed, that the sum of **\$11,854** be raised and appropriated to fund the salary of Library Assistant I (15 hours per week at \$10.23 per hour total \$6,751.80) and Circulation Desk Attendant (15 hours per week at \$7.73 per hour \$5,101.80). Funds are necessary to staff the Boxford Town Libraries; said funds to be expended under the direction of the Board of Library Trustees; or take any other action thereon.*

ARTICLE A3. To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of **\$10,000** to purchase aerial photography of the town and associated software from Pictometry International Corporation through the Merrimack Valley Planning Commission, and fund associated computer expenses, said funds to be expended under the direction of the Board of Selectmen; or take any other action thereon.

Sponsored by the Board of Selectmen

Finance Committee does not recommend adoption of this article.

Capital Budgeting Committee does not recommend adoption of this Article.

*Upon a motion made and duly seconded, it was **VOTED**, by a show of hands, to defeat this Article.*

ARTICLE A4. To see if the Town will vote to transfer the sum of **\$3,000** from the unspent portion of funds appropriated under Article 12 of the May 12, 2002 Annual Town Meeting, originally appropriated to fund the Town's share of the now defunct State's Local Cultural Councils' Matching Incentive Program, to now fund the Boxford Cultural Arts Council directly, without state match; said funds to be spent under the direction of the Boxford Cultural Arts Council; or take any other action thereon.

Sponsored by the Board of Selectmen

Finance Committee recommends adoption of this article.

*Upon a motion made and duly seconded, it was **VOTED**, by majority voice vote, to transfer the sum of **\$3,000** from the unspent portion of funds appropriated under Article 12 of the May 12, 2002 Annual Town Meeting, originally appropriated to fund the Town's share of the now defunct State's Local Cultural Councils' Matching Incentive Program, to now fund the Boxford Cultural Arts Council directly, without state match; said funds to be spent under the direction of the Boxford Cultural Arts Council.*

ARTICLE A5. To see if the Town will vote to amend its bylaws, as codified in the Code of the Town of Boxford, Chapter 23, §23-6 Employee Benefits, (B) Vacation leave, as shown and as printed on pages 8 and 9 of this warrant, or take any other action thereon.

Sponsored by the Personnel Board

*Upon a motion made and duly seconded, it was **VOTED**, by unanimous voice vote, to amend the Town bylaws, as codified in the Code of the Town of Boxford, Chapter 23, §23-6 Employee Benefits, (B) Vacation leave, as shown and as printed on pages 8 and 9 of this warrant.*

ARTICLE A6. To see if the Town will vote to appropriate the sum of **\$210,827.93** for highway maintenance and construction in accordance with Chapter 246 of the Acts of 2002, as authorized by a contract with the Commonwealth of Massachusetts and executed by the Town on October 2, 2002, funds to be expended under the direction of the Board of Selectmen; or take any other action thereon.

Sponsored by the Board of Selectmen

Finance Committee recommends adoption of this article

*Upon a motion made and duly seconded, it was **VOTED**, by unanimous voice vote, to appropriate the sum of \$210,827.93 for highway maintenance and construction in accordance with Chapter 246 of the Acts of 2002, as authorized by a contract with the Commonwealth of Massachusetts and executed by the Town on October 2, 2002, funds to be expended under the direction of the Board of Selectmen.*

ARTICLE B7. To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of **\$16,000** to fund the development of final design documents, development of construction plans and specifications, and to solicit bids for the construction of storm water drainage and road reconstruction repairs for a portion of Spofford Road, said funds to be expended under the direction of the Board of Selectmen; or take any other action thereon.

Sponsored by the Board of Selectmen
Finance Committee recommends adoption of this Article
Capital Budget Committee recommends adoption of this Article

*Upon a motion made and duly seconded, it was **VOTED**, by unanimous voice vote, to transfer from free cash the sum of \$16,000 to fund the development of final design documents, development of construction plans and specifications, and to solicit bids for the construction of storm water drainage and road reconstruction repairs for a portion of Spofford Road, said funds to be expended under the direction of the Board of Selectmen.*

ARTICLE B8. To see if the Town will vote to raise and appropriate, or transfer from available funds the sum of **\$850** and authorize the Selectmen to expend said funds to purchase or take by eminent domain drainage easements at 50 Spofford Road, generally as shown as Easement #1 and Easement #2 on a easement plan entitled: "Easement Plan, 50 Spofford Road, Boxford MA," dated July 29, 2002, said plan and proposed easement on file with the Town Clerk; or take any other action thereon.

Sponsored by the Board of Selectmen
Finance Committee recommends adoption of this article

*Upon a motion made and duly seconded, it was **VOTED**, by unanimous voice vote, to transfer from free cash the sum of \$850 and authorize the Selectmen to expend said funds to purchase or take by eminent domain drainage easements at 50 Spofford Road, generally as shown as Easement #1 and Easement #2 on a easement plan entitled: "Easement Plan, 50 Spofford Road, Boxford MA," dated July 29, 2002, said plan and proposed easement on file with the Town Clerk.*

ARTICLE B9. To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of **\$4,078**; and authorize the Selectmen to expend said funds to purchase or take by eminent domain a drainage easement at 82 Spofford Road, generally shown as "Proposed 20' Wide Drain Easement" on an easement plan entitled: "Easement Plan, 82 Spofford Road, Boxford MA," dated June 24, 2002, said plan and proposed easement on file with the Town Clerk; or take any other action thereon.

Sponsored by the Board of Selectmen
Finance Committee recommends adoption of this article

Upon a motion made and duly seconded, it was VOTED, by unanimous voice vote, to transfer from free cash the sum of \$4,078; and authorize the Selectmen to expend said funds to purchase or take by eminent domain a drainage easement at 82 Spofford Road, generally shown as "Proposed 20' Wide Drain Easement" on an easement plan entitled: "Easement Plan, 82 Spofford Road, Boxford MA," dated June 24, 2002, said plan and proposed easement on file with the Town Clerk.

ARTICLE C10. To see if the Town will vote to transfer the sum of **\$190,000** from the unspent portion of funds appropriated under Article #8 of the October 24, 2000 Special Town Meeting, originally appropriated for the remodeling and construction of the Police/Communications Building, to now fund, pursuant to Massachusetts General Laws, Chapter 21E, the clean-up and remediation of asbestos containing materials uncovered during the ongoing construction of the new Town Hall Building project, said funds to be expended under the direction of the Board of Selectmen; or take any other action thereon.

Sponsored by the Board of Selectmen
Finance Committee recommends adoption of this article
Capital Budgeting Committee recommends adoption of this Article.

Upon a motion made and duly seconded, it was VOTED, by majority voice vote, to transfer the sum of \$190,000 from the unspent portion of funds appropriated under Article #8 of the October 24, 2000 Special Town Meeting, originally appropriated for the remodeling and construction of the Police/Communications Building, to now fund, pursuant to Massachusetts General Laws, Chapter 21E, the clean-up and remediation of asbestos containing materials uncovered during the ongoing construction of the new Town Hall Building project, said funds to be expended under the direction of the Board of Selectmen.

ARTICLE C11. To see if the Town will vote to transfer the sum of **\$166,000** from the unspent portion of funds appropriated under Article #26 of the October 27, 1998 Special Town Meeting, originally appropriated for the closure of the Boxford landfill, to now fund, pursuant to Massachusetts General Laws, Chapter 21E, the clean-up and remediation of asbestos containing materials uncovered during the ongoing construction of the new Town Hall Building project, said funds to be expended under the direction of the Board of Selectmen; or take any other action thereon.

Sponsored by the Board of Selectmen
Finance Committee recommends adoption of this article
Capital Budgeting Committee recommends adoption of this Article.

Upon a motion made and duly seconded, it was VOTED, by majority voice vote, to transfer the sum of \$166,000 from the unspent portion of funds appropriated under Article #26 of the October 27, 1998 Special Town Meeting, originally appropriated for the closure of the Boxford landfill, to now fund, pursuant to Massachusetts General Laws, Chapter 21E, the clean-up and remediation of asbestos containing materials uncovered during the ongoing construction of the new Town Hall Building project, said funds to be expended under the direction of the Board of Selectmen.

ARTICLE C12. To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to fund, pursuant to Massachusetts General Laws, Chapter 21E, the clean-up and remediation of asbestos containing materials uncovered during the ongoing construction of the new Town Hall Building project, said funds to be expended under the direction of the Board of Selectmen; or take any other action thereon.

Sponsored by the Board of Selectmen

ESTIMATE: Range: \$200,000 to \$600,000

Finance Committee recommends adoption of this Article

Capital Budgeting Committee recommends adoption of this Article

Upon a motion made and duly seconded, it was VOTED, by majority voice vote, to transfer from free cash the sum of \$375,000 to fund, pursuant to Massachusetts General Laws, Chapter 21E, the clean-up and remediation of asbestos containing materials uncovered during the ongoing construction of the new Town Hall Building project, said funds to be expended under the direction of the Board of Selectmen.

ARTICLE D13. To see if the Town will vote to appropriate \$10,000 in debt acquisition and legal costs and \$1,800,000 in land purchase expense, for a total appropriation of **\$1,810,000** and to authorize the Board of Selectmen on behalf of the Town of Boxford to acquire for Agricultural and Open Space and Conservation purposes, and to accept the deed to the town of a fee simple interest or less, of a parcel of unimproved land known as the **Anvil Farm Property** consisting of twenty-eight (28) acres, more or less, being land situated on Main Street, Boxford, Essex County, Massachusetts, shown as Map 5, Block 1, Lot 11 in the records of the Boxford Assessors, further described in a deed recorded in the Essex South Registry of Deeds in Book 5968 Page 269, on file with the Town Clerk, together with all flowage rights and easements and subject to all well rights and easements; **said appropriation contingent upon the Treasurer's receipt in a gift fund created for such purpose, of privately raised, donated funds in the amount of one million five hundred thousand dollars (\$1,500,000.) or more, prior to the purchase of said property,** to be expended to fund said purchase of said property under the direction of the Board of Selectmen; that said land be conveyed to the Town of Boxford, to be managed and controlled by the Boxford Board of Selectmen, and that the treasurer, with the approval of the Selectmen, be authorized to issue debt up to three hundred and ten thousand dollars (\$310,000) to fund said purchase pursuant to Massachusetts General Laws, Chapter 44 § 7(3), or any other enabling authority; and to authorize the Board of Selectmen to submit, on behalf of the town, any and all applications deemed necessary for grants and/or reimbursements from the Commonwealth of Massachusetts under the Agricultural Preservation Act (Chapter 132A, § 11A) and/or any other state or federal programs including those in aid of conservation and agricultural land acquisition and to receive and accept such grants or reimbursements for this purpose, and/or any others in any way connected with the scope of this Article, and that the Town through the Board of Selectmen be authorized to (1) grant an agricultural easement, an agricultural preservation restriction and/or a conservation restriction encumbering said property to be held by the seller, or any other entity so designated by the Board of Selectmen, or (2) to accept the deed for said property subject to an agricultural easement, an agricultural preservation restriction and/or a conservation restriction encumbering said property to be held by the seller, or any other entity so designated by the Board of Selectmen, and to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town of Boxford to affect said purchase; or take any other action thereon.

Sponsored by the Board of Selectmen, and Land Committee

Upon a motion made and duly seconded, it was VOTED, by majority voice vote, to pass over this Article.

ARTICLE D14. To see if the Town will vote to authorize, the Board of Selectmen to accept on behalf of the town, by gift, the deed of a parcel of land consisting of 0.81 acres, currently utilized as a fire pond for general municipal purposes, located on Chandler Road as shown on Map 18, Block 1, Lot 31.1 in records of the Boxford Assessors; or take any other action thereon.

Sponsored by the Board of Selectmen

Upon a motion made and duly seconded, it was VOTED, by unanimous voice vote, to authorize the Board of Selectmen to accept on behalf of the town, by gift, the deed of a parcel of land consisting of 0.81 acres, currently utilized as a fire pond for general municipal purposes, located on Chandler Road as shown on Map 18, Block 1, Lot 31.1 in records of the Boxford Assessors.

ARTICLE D15. To see if the Town will vote to transfer and authorize the Selectmen to expend the sum of \$15,889 from funds previously appropriated under the appropriation for design funds of the Boxford Town Hall, Article 17 of the October 24, 2000 Special Town Meeting, to purchase or take by eminent domain a conservation restriction easement as required to complete the town's Police Headquarters and Town Hall Well public water supply protective radius; said conservation restriction easement consisting of 12,711 square feet encumbering the property located at 303 Ipswich Road, generally as shown as "Proposed Easement" on an easement plan entitled: "Easement Plan, 303 Ipswich Road, Boxford MA," dated July 8, 2002, said plan and proposed conservation restriction easement on file with the Town Clerk; or take any other action thereon.

Sponsored by the Board of Selectmen

Finance Committee recommends adoption of this article

Upon a motion made and duly seconded, it was VOTED, by unanimous voice vote, to authorize the Selectmen to expend the sum of \$15,889 from funds previously appropriated under the appropriation for design funds of the Boxford Town Hall, Article 17 of the October 24, 2000 Special Town Meeting, to purchase or take by eminent domain a conservation restriction easement as required to complete the town's Police Headquarters and Town Hall Well public water supply protective radius; said conservation restriction easement consisting of 12,711 square feet encumbering the property located at 303 Ipswich Road, generally as shown as "Proposed Easement" on an easement plan entitled: "Easement Plan, 303 Ipswich Road, Boxford MA," dated July 8, 2002, said plan and proposed conservation restriction easement on file with the Town Clerk.

ARTICLE E16. To see if the Town will vote pursuant to Chapter 184 § 51 of the Acts of 2002 to adjust on behalf of the Town of Boxford, several factors of Massachusetts General Laws Chapter 59 § 5(41C) related to property exempt from assessment of local taxes as follows: 1) reduce the requisite age for eligibility to any age sixty five (65) years or more; 2) increase both of the amounts

contained in the first sentence of the clause by one hundred (100%) per cent, 3) increase the amounts contained in sub clause (B) wherever they appear in said sub clause from \$13,000 to \$20,000 and from \$15,000 to \$30,000; and, 4) increase the amounts contained in sub clause (C) wherever they appear in said sub clause from \$28,000 to \$40,000 and from \$30,000 to \$55,000; or take any other action thereon.

EXPLANATION: This summer the Legislature passed a statute permitting towns the ability, by local vote at town meeting, to both increase the amount of real estate tax abatements available to seniors and ease the eligibility requirements. The above article: 1) reduces the age of eligibility from 70 to 65; 2) increases the amount of the abatement from \$500 per year to \$1,000 per year; 3) increases the maximum income eligibility for the abatement for a single person from \$13,000 to \$20,000 and a married couple from \$15,000 to \$30,000; and 4) increases the maximum adjusted assets eligibility (does not include value of domicile) for the abatement for a single person from \$28,000 to \$40,000 and a married couple from \$30,000 to \$55,000 .

Sponsored by the Board of Selectmen
Finance Committee recommends adoption of this article

Upon a motion made and duly seconded, it was VOTED, by majority voice vote, pursuant to Chapter 184 § 51 of the Acts of 2002, to adjust on behalf of the Town of Boxford, several factors of Massachusetts General Laws Chapter 59 § 5(41C) related to property exempt from assessment of local taxes as follows: 1) reduce the requisite age for eligibility to any age sixty five (65) years or more; 2) increase both of the amounts contained in the first sentence of the clause by one hundred (100%) per cent, 3) increase the amounts contained in sub clause (B) wherever they appear in said sub clause from \$13,000 to \$20,000 and from \$15,000 to \$30,000; and, 4) increase the amounts contained in sub clause (C) wherever they appear in said sub clause from \$28,000 to \$40,000 and from \$30,000 to \$55,000 effective for Fiscal Year 2003.

ARTICLE E17. To see if the Town will vote to instruct its representative to the General Court to file a home rule petition. The General Court may make clerical or editorial changes of form only to the bill, unless the Boxford Board of Selectmen approves amendments to the bill before enactment by the General Court. The Boxford Board of Selectmen is hereby authorized to approve amendments, which shall be within the scope of the general public objectives of this petition:

Notwithstanding the terms of any general or special law to the contrary, the Town of Boxford is hereby authorized to exempt from local taxation, real property in the amount equal to twenty percent (20%) of taxable valuation of a person who has reached his or her sixty-fifth birthday prior to the year for which an exemption is sought and occupied by said person as his domicile, or of a person who owns the same jointly with his or her spouse, either of whom has reached his or her sixty-fifth birthday prior to the fiscal year for which an exemption is sought and occupied by them as their domicile; provided; (A) that such person has so owned and occupied such real property or other real property in the Town of Boxford as his domicile for ten years, and (B) that such person had, in the preceding year gross receipts from all sources of less than fifty-five thousand dollars, provided, however, that in computing the gross receipts of an applicant under

this clause ordinary business expenses and losses may be deducted, but not personal or family expenses; and provided, further, that there shall be deducted from the total amount received by the applicant under the federal social security or railroad retirement and from any annuity, pension, or retirement plan established for employees of the United States government, the government of the commonwealth, or the government of any city, town, county, or special district, included in such gross receipts, an amount equivalent to the minimum payment then payable under said federal social security law, as determined by the commissioner of revenue, to a retired worker sixty-five years of age or over, if the applicant is unmarried, or to a retired worker and spouse, both of whom are seventy years of age or over, if the applicant is married.

This act will take effect upon its passage."

Sponsored by Initiative Petition

Finance Committee does not recommend adoption of this Article

Board of Selectmen does not recommend adoption of this Article

Upon a motion made and duly seconded, it was VOTED, by majority voice vote, to pass over this Article.

ARTICLE E18. Home Rule Petition. *Shall the Town of Boxford permit a real estate tax exemption for legal residents who have resided in Boxford in their own homes for a minimum of twenty-five (25) years, with at least one residing owner having reached the age of sixty-five (65). Upon qualification of those requirements, the land and building assessments shall be frozen until such time as the home is sold and/or placed into an estate. Upon approval of this petition, the exemption for qualified homeowners will be based upon the assessment in effect at the above time period and will be used to calculate the real estate taxes for Fiscal Year 2003 and beyond.*

A motion was made to see if the town would vote to instruct our representative to the General Court to file a home rule petition. The General court may make clerical or editorial changes of form only to the bill, unless the Boxford Board of Selectmen approves amendments to the bill before enactment by the General Court. The Boxford Board of Selectmen is hereby authorized to approve amendments, which shall be within the scope of the general public objectives of this petition:

"To allow the Town of Boxford to issue a real estate tax exemption for legal residents who have resided in Boxford in their own homes for a minimum of twenty-five (25) years, with at least one residing owner having reached the age of sixty-five (65), and that the gross receipts of the owner(s) during the preceding year, shall be less than fifty-five thousand dollars which shall include all income received from Federal, State, or Private Annuity, Pension, or Retirement Plans.

Upon approval of this petition and upon meeting the 25-year residence and 65-year minimum age requirements, the total tax bill shall be frozen until such time as the home is sold and/or placed into an estate. For the homeowners, who have already exceeded both requirements, the frozen tax bill will revert back the latest of the two dates, to a maximum of 10 years."

Sponsored by Initiative Petition

AN AMENDMENT TO ARTICLE E18 was introduced as follows:

After the words "such time as the home is sold and/or placed into an estate." Insert a new sentence which will read "At that time, all the deferred taxes, with interest compounded at 5% annually, will be due and collected."

In the last sentence in the Article, the words "in effect at the above time period" will be changed to "in effect at the time of passage of this Article."

*Upon a motion made and duly seconded, it was **VOTED**, by majority voice vote, to defeat the Amendment.*

Upon a motion made and duly seconded, it was **VOTED**, by a hand count of 156 for and 62 against, to pass over this Article.

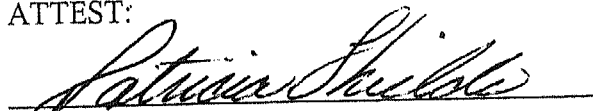
ARTICLE 19. To transact any other business that may legally come before said meeting.

*Upon a motion made and duly seconded, it was **VOTED** by unanimous voice vote to dissolve this Special Town Meeting at 10:43 p.m.*

Registered voters attending the meeting were 229. Counters and checkers for the meeting were appointed by Town Clerk Patricia Shields.

A true record.

ATTEST:



Patricia Shields
Town Clerk

RAISE AND APPROPRIATE:

Article A2

\$ 11,854.00

TOTAL TO BE RAISED AND APPROPRIATED

\$ 11,854.00

APPROPRIATION:

Article A6

\$ 210,827.93

TOTAL TO BE APPROPRIATED

\$ 210,827.93

TRANSFER:

Article A4 (from Free Cash to fund Boxford Cultural Arts Council)	\$ 3,000.00
Article B7 (from Free Cash to fund repairs/construction to Spofford Road)	16,000.00
Article B8 (from Free Cash to purchase drainage easements at 50 Spofford Road)	850.00
Article B9 (from Free Cash to purchase drainage easements at 82 Spofford Road)	4,078.00
Article C10 (from Other Available funds for remodeling and construction of the Police Communications Building)	190,000.00
Article C11 (from Other Available funds to fund the cleanup and remediation of asbestos containing materials)	166,000.00
Article C12 (from Free Cash to fund the cleanup and remediation of asbestos containing materials)	375,000.00
Article D15 (from Free Cash to purchase a conservation restriction easement at 303 Ipswich Road)	15,889.00

TOTAL TO BE TRANSFERRED

\$ 770,817.00